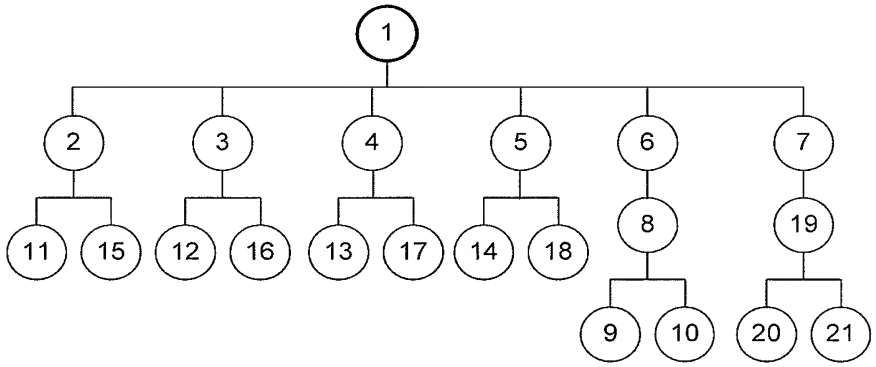
REMARKS/ARGUMENTS

The diagram below illustrates the relationship among pending claims 1-21, of which claim 1 is in independent form and the remainders of the claims are in dependent form.



In the Office Action of January 14, 2010, claims 1, 2, 4-8, 11, 13-15 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Patil et al. (U.S. Patent No. 7,313,087) in view of Saleh et al. (U.S. Patent No. 7,477,594) and Mekkittikul et al. (U.S. Patent Application Publication No. 2004/0179471). Dependent claims 3, 12 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patil et al. in view of Saleh et al. and Mekkittikul et al. and further in view of Swinkels et al. (U.S. Patent No. 6,795,394). Dependent claims 9-10 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patil et al. in view of Saleh et al. and Mekkittikul et al. and further in view of Trudel et al. (U.S. Patent No. 7,450,497).

Applicants respectfully traverse the rejections and requests their withdrawal in view of the remarks set forth herein. No amendments have been made to the claims.

Response to the Rejection of Independent Claim 1

Claim 1 provides a method for protecting a data service in a Metropolitan Area Transport Network including the following elements:

(A) establishing a work path for transporting a service between a source node and a work destination node of the service in the Metropolitan Area Transport Network; setting a node other than the work destination node as a protection destination node; establishing a protection path between the source node and the protection destination node for protecting the service in the work path;

(B) the source node detecting a failure state of links of the work path and the protection path and a failure state of a node in the links of the work path and the protection path;

(C) the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device; if there is the failure, notifying the source node; and

(D) switching the data service in the work path to the protection path by the source node when the failure state of the link of the work path or the failure state of a node in the link is detected or a failure state notice of the work destination node is received.

Applicants have carefully reviewed the cited references and particularly the portions cited in the Office Action and respectfully submit that Patil, Saleh and Mekkittikul in combination cannot support the rejection set forth in the Office action.

The Office action concedes that Patil is silent with respect to features (B) and (C) of claim 1 (See Office action, page 4, lines 9-13) and relies on Saleh for feature (C) and relies on Mekkittikul for feature (B). Contrary to the Office Action, Saleh and Mekkittikul does not teach features (B) and (C).

Firstly, Saleh fails to disclose or suggest feature (C) of claim 1. In rejecting claim 1, the Office Action further cites column 7, lines 19-27 of Saleh and asserts that it discloses the features (C) of claim 1. To the contrary, Saleh does not teach these claimed features for the following reasons.

Column 7, lines 19-27 recites "the destination node of the VP ... forwards failure notification to the source node of the VP," "when the node receives a notification of a VP

failure" (column 7 line 13). It can be seen that: the "VP" is between "the source node of the VP" and "the destination of the VP," therefore the "VP" of Saleh is similar to the "work path" which is "between a source node and a work destination node" of claim 1, NOT a link connecting the destination node to a data device. Thus, Saleh at best describes a destination node "receives a notification of a VP failure," i.e. of a work path failure, and "forwards the failure notification to the source node of the VP," i.e. the source node of the work path. It can be seen that Saleh fails to disclose or suggest the claimed feature of "the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device," i.e., feature (C) of claim 1.

Further, as analyzed above, Saleh describes a destination node receives a notification of a work path failure and forwards the failure notification to the source node of the work path, thus fails to disclose or suggest the claimed feature of "the source node detecting a failure state of links of the work path and the protection path," i.e. feature (B) of claim 1.

Therefore, Saleh fails to disclose or suggest features (B) and (C) of claim 1.

Secondly, Mekkittikul fails to disclose or suggest feature (B) of claim 1. In rejecting claim 1, the Office Action further cites para. 27 of Mekkittikul and asserts that it discloses the features (B) of claim 1. To the contrary, Mekkittikul does not teach these claimed features for the following reasons.

Paragraph 27 of Mekkittikul recites "the transmission from node m to node n on the clock-wise ring fails ... after detecting the failure, node n immediately broadcasts failure notification message." It can be seen that the "node n" is a downstream node of the transmission, so the "node n" is NOT a source node of the transmission path. Therefore, Mekkittikul fails to disclose or suggest the claimed feature of "the source node detecting a failure state of links of the work path and the protection path," i.e. feature (B) of claim 1.

Further, since Mekkittikul, which bears the title of "Bi-directional flow-switched ring," focuses on failures occurred on the ring network which is composed of a work ring and a protection ring, and fails to disclose or suggest another type of failure, i.e. failures on links connecting the work/protection destination node to a data device, i.e., Mekkittikul fails to disclose or suggest the feature (C) of claim 1.

Therefore, Mekkittikul fails to disclose or suggest features (B) and (C) of claim 1.

In view of the foregoing, Applicants respectfully submit that Patil, Saleh and Mekkittikul, alone or combined, fail to teach or suggest at least claimed features (B) and (C) of independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 is patentably distinguishable from the cited references and request withdrawal of the rejections.

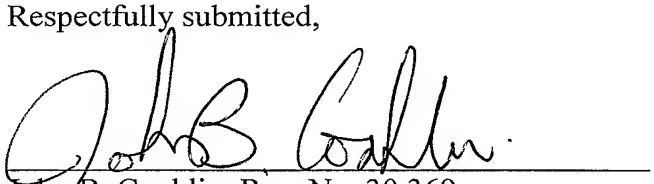
Response to the Rejections of Dependent Claims 2-21

As for the dependent claims, they depend, directly or indirectly, from independent claim 1 and, therefore, include all of the limitations of base claim 1. Without addressing the assertions set forth in the Office Action, which are not conceded, Applicants respectfully request withdrawal of the rejections of these dependent claims for the same reasons expressed above in connection with independent claim 1.

Conclusion

A prompt indication of allowability of all pending claims 1-21 is earnestly solicited. Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,



John B. Conklin, Reg. No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: April 14, 2010